

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. Applicant would also like to thank the Examiner for his time and for stating that claims 12-15, 18-19, 22, and 24-25 include allowable subject matter. The application has been carefully amended to more clearly and particularly describe the subject matter which applicant regards as the invention.

By the present amendment, claims 1, 12, 16, and 21 are amended. As such, it is now respectfully submitted that each of the claims 1-29 are in condition for allowance as discussed further below.

Turning first to the rejected under 35 U.S.C. §112, second paragraph of claims 16, 17, and 21, it should be noted that claims 16 and 21 have been amended to recite only one range in each claim. Thus, it is respectfully requested that the rejection of claims under 35 U.S.C. §112 be withdrawn.

It is respectfully requested that the rejection of claims 1-11, 20-21, 23, and 26-29 under 35 U.S.C. 103(a) as being unpatentable over lida (U.S. Patent No. 6,546,631) in view of Donnerdal (U.S. Patent No. 6,591,826) also be withdrawn. Amended claim 1 now recites a limitation that originally was in allowable claim 12, namely that "a muffler (18) accommodated in a space located behind the disc guard (5) where the space has the substantial shape of a triangle in a cross section of said space perpendicular to said axis of rotation (4)." Thus, even if a motivation to combine the two references is present, a combination resulting from the lida reference and the Donnerdal reference would not provide all of the elements in amended claim 1.

As stated in the Office action on page 3, lida does not teach or describe claim elements relating to a muffler. Donnerdal also does not teach or describe the recited claim elements, as Donnerdal only briefly describes the inclusion of a muffler. Neither lida nor Donnerdal disclose any teachings or motivations for the recited limitations nor provide any predictions for this advantageous type of structure. Thus, for at least the reasons provided, neither lida nor Donnerdal, individually or in combination, teach or suggest each and every element of amended claim 1. Accordingly, withdrawal of this rejection is respectfully requested. Claims 2-29 are dependent on claim 1 and are thus allowable for at least the same reasons as claim 1.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE1-40597.

Respectfully submitted,
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